

Notice of Allowability

Application No.

10/616,187

Examiner

Zachary Skelding

Applicant(s)

LEES ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1-24-07, 2-23-07, 3-5-07.
2. ☒ The allowed claim(s) is/are 6-11, 20-28, 31-33, 39-43, 49-53, 55, 57, 60, 61, 64, 65 and 72-77.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 2-23-07, 3-5-07, 11-30-06,

7. ☒ Examiner's Amendment/Comment § 1-22-07

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

DETAILED ACTION

1. Applicant's amendment to the claims filed January 24, 2007 has been entered.

EXAMINER'S AMENDMENT

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.
3. Authorization for this Examiner's Amendment was given in telephone interviews with Jack Brennan on February 23, 2007 and March 5, 2007.
4. Please amend claims 8, 9, 10, 22, 23, 39-43, 49-53, 55, 57, 72 and 73 as follows:

8. (Currently Amended) The antibody or fragment thereof of claim 7, wherein the antibody ~~or fragment thereof~~ is an Fab fragment, an Fab' fragment, or an F(ab')₂ fragment.

9. (Currently Amended) The antibody or fragment thereof of claim 7, wherein the antibody ~~or fragment thereof~~ is an F(v) fragment.

10. (Currently Amended) The antibody or fragment thereof of claim 7, wherein the antibody or fragment thereof is a monoclonal antibody or fragment thereof.

22. (Currently Amended) The antibody or fragment thereof of claim 21, wherein the antibody ~~or fragment thereof~~ is an Fab fragment, an Fab' fragment, or an F(ab')₂ fragment.

23. (Currently Amended) The antibody or fragment thereof of claim 21, wherein the antibody ~~or fragment thereof~~ is an F(v) fragment.

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39. (Currently Amended) ~~A labeled agent comprising the~~ The antibody or fragment thereof of claim 7, ~~wherein the antibody or fragment thereof comprises and~~ a label.

40. (Currently Amended) The ~~labeled agent-antibody or fragment thereof~~ of claim 39, wherein the label is a radiolabel.

41. (Currently Amended) The ~~labeled agent-antibody or fragment thereof~~ of claim ~~39~~ 4, wherein the ~~label-antibody or fragment thereof~~ comprises a technetium-binding ligand.

42. (Currently Amended) The ~~labeled agent-antibody or fragment thereof~~ of claim ~~39~~ 4, wherein the ~~label-antibody or fragment thereof~~ comprises a gadolinium binding chelator.

43. (Currently Amended) The ~~labeled agent-antibody or fragment thereof~~ of claim 42, wherein the gadolinium binding chelator is diethylenetriamine penta-acetic acid (DTPA).

49. (Currently Amended) ~~A labeled agent comprising the~~ The antibody or fragment thereof of claim 21, ~~wherein the antibody or fragment thereof comprises and~~ a label.

50. (Currently Amended) The ~~labeled agent-antibody or fragment thereof~~ of claim 49, wherein the label is a radiolabel.

51. (Currently Amended) The ~~labeled agent-antibody or fragment thereof~~ of claim ~~49~~ 24, wherein the ~~label-antibody or fragment thereof~~ comprises a technetium-binding ligand.

52. (Currently Amended) The ~~labeled agent-antibody or fragment thereof~~ of claim ~~49~~ 21, wherein the ~~label-antibody or fragment thereof~~ comprises a gadolinium-binding chelator.

53. (Currently Amended) The ~~labeled agent-antibody or fragment thereof~~ of claim 52, wherein the gadolinium-binding chelator is DTPA.

55. (Currently Amended) A ~~pharmaceutical~~ composition comprising the antibody or fragment thereof of claim 7 and a pharmaceutically acceptable carrier.

57. (Currently Amended) A ~~pharmaceutical~~ composition comprising the antibody or fragment thereof of claim 21 and a pharmaceutically acceptable carrier.

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72. (Currently Amended) ~~A pharmaceutical composition comprising the antibody or fragment thereof of claim 6 and a pharmaceutically acceptable carrier.~~

73. (Currently Amended) ~~A pharmaceutical composition comprising the antibody or fragment thereof of claim 20 and a pharmaceutically acceptable carrier.~~

REASONS FOR ALLOWANCE

5. The following is an Examiner's Statement of Reasons for Allowance:

Applicant's amendment to the claims of January 24, 2007 obviated the previous rejections of record.

Moreover, in telephone interviews with Jack Brennan on February 23, 2007 and March 5, 2007, applicant agreed to amend the preamble of some claims so as to accurately reflect the claimed invention, and to clarify the antecedent basis for some of the dependent claims.

Claims 6-11, 20-28, 31-33, 39-43, 49-53, 55, 57, 60, 61, 64, 65 and 72-77 are allowed.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

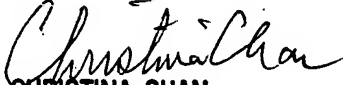
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary Skelding whose telephone number is 571-272-9033. The examiner can normally be reached on Monday - Friday 8:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zachary Skelding, Ph.D.
Patent Examiner
March 5, 2007


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